

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT DEVELL KINCADE,

Defendant.

Case No. 2:15-cr-00071-JAD-GWF

ORDER

This matter is before the Court on Defendant's Motion for Order Requiring Early Production of Witness Statements and Impeachment Information (ECF No. 127), filed on October 3, 2016. The Government filed a Response (ECF No. 158) and a Motion to Strike (ECF No. 159) on October 20, 2016. Defendant did not file a reply or a response to the Government's motion to strike.

At the time of Defendant's filing, this matter was set for trial on November 1, 2016 and Defendant requested relief therein by October 11, 2016. Since that time, Defendant's trial has been continued and is set for February 28, 2017. (ECF No. 165). Nevertheless, the Court will still address the substantive issues in Defendant's motion as they remain relevant and will likely be brought up again as trial approaches. Defendant requests an order from the Court requiring the Government to provide him with any and all witness statements from the witnesses the Government intends on calling at trial prior to the time required by the Jencks Act, 18 U.S.C. § 3500. *See Motion* (ECF No. 127). Defendant asserts that the Court may grant his request because the Court "has the authority to regulate discovery." *Id.* at 4:15. The Government, however, argues that the Court has already ruled upon Defendant's requests and that, contrary to Defendant's assertion, it filed a Government Disclosure Statement ("GDS") on April 27, 2015 stating that the information Defendant requests will be provided no later than 5 days prior to trial. *See* ECF No. 24. Upon

1 consideration, the Court declines to require early disclosure aside from what is required by the
2 Jencks Act, 18 U.S.C. § 3500, and as detailed by the Government in its GDS. However, the Court
3 does not find that Defendant's motion should be stricken from the record. Accordingly,

4 **IT IS HEREBY ORDERED** that Defendant's Motion for Order Requiring Early
5 Production of Witness Statements and Impeachment Information (ECF No. 127) is **denied**.

6 **IT IS FURTHER ORDERED** that the Government's Motion to Strike (ECF No. 159) is
7 **denied**.

8 DATED this 8th day of November, 2016.

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11 GEORGE FOLEY, JR.
12 United States Magistrate Judge
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